

**PATENT**

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

Applicants: Gregory J. Battersby et al.  
Application No.: TBA (Continuation of S/N 09/259,722)  
Filed: TBA  
For: BALL-THROWING MACHINE  
Examiner: TBA (Examiner J. Ricci for S/N 09/259,722)  
Art Unit: TBA (Art Unit 3712 for S/N 09/259,722)  
Docket No.: RUS013USQ1

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**PRELIMINARY AMENDMENT**

Hon. Commissioner of Patents  
and Trademarks  
Washington, DC 20231

Dear Sir:

Prior to examination on the merits, please amend the above-identified application as follows:

**IN THE DRAWINGS**

Please substitute the attached drawings.

**IN THE SPECIFICATION**

Page 1, before line 3, insert the following:

-- This is a continuation of co-pending United States Patent Application Serial No. 09/259,722

filed on March 1, 1999 in the names of Gregory J. Battersby, James Cobb, Charles W. Grimes, Richard D. Schile and Steven Van Geldern for Ball-throwing Machine.--

### **IN THE CLAIMS**

Cancel all claims and add the following new claims:

-- 39. A ball-throwing machine including a power head for delivering pitches to different locations, said machine including at least one linear actuator for moving said power head.--

-- 40. The ball throwing machine of claim 39 including at least two liner actuators for moving said power head in a horizontal and a vertical direction.--

-- 41. The ball throwing machine of claim 39, further including a programmable controller for controlling the movement of said at least one linear actuator.--

-- 42. The ball throwing machine of claim 39, wherein said power head includes a center pivot about which the power head is pivoted.--

--43. The ball throwing machine of claim 39, wherein said power head includes at least one wheel for propelling a ball toward a batter.--

-- 44. The ball throwing machine of claim 43, wherein said machine includes dynamic braking means for rapidly decelerating the speed of said at least one rotating wheel.--

-- 45. The ball throwing machine of claim 41, further including a smart card reader adapted to read a smart card for programming said programmable controller.--

-- 46. A ball throwing machine including a power head of the type having at least one wheel for propelling a ball toward a batter, dynamic braking means for rapidly decelerating the speed of said at least one wheel, and at least one linear actuator for moving said power head.--

-- 47. A ball throwing machine including a power head mounted on a center pivot and a linear actuator for moving said power head about a center pivot.--

--48. A ball throwing machine including a power head, a linear actuator for moving said power head, a programmable controller for controlling the movement of said linear actuator, and a smart card reader adapted to read a smart card for programming said controller.--

-- 49. A method for profiling the pitch of an actual pitcher, said method comprising the steps of:  
providing a ball throwing machine of the type having a programmable controller for controlling pitch type, location and speed; and  
programming the controller to deliver said profiled pitch.--

-- 50. The method of claim 49, wherein a smart card is used to program said controller.--

-- 51. A method for profiling the pitches of an actual pitcher, said method comprising the steps of:  
providing a ball throwing machine of the type having:

a power head that includes at least one wheel for propelling a ball toward a batter;

at least one linear actuator for moving the power head; and

a programmable controller for controlling the speed of said at least one wheel and the movement of said linear actuator;

establishing a database for the pitches thrown by a particular pitcher, said data base including the applicable wheel speed and actuator setting for each pitch thrown by a pitcher; and

programming the machine to throw said profiled pitch by setting the applicable wheel speed and actuator setting for said pitch; and

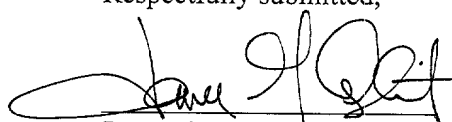
throwing said profiled pitch.--

-- 52. The method of claim 51, wherein said step of programming is accomplished using a smart card that contains the applicable parameters and is read by a smart card reader connected to said controller.--

#### **REMARKS**

Please enter this Amendment prior to examination of this application on the merits.

Respectfully submitted,



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